

Notice of Allowability

Application No.

10/538,872

Applicant(s)

KOBAYASHI ET AL.

Examiner

Nancy Bitar

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/14/2005.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 06/14/2005
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application
- ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
- ☐ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-18 are allowed.
2. The following is an examiner's statement of reasons for allowance: While Saito et al. (US 2003/0095191) teaches continuous imaging mode is set while a movie image is being recorded, continuous imaging is performed and When a movie image pick-up mode is set, a CCD is brought into a movie image readout mode, in which movie image data representing a movie image is periodically outputted. An image corresponding to one of frames constituting the movie image is of a relatively low image quality. When a determination switch is pressed, the CCD enters a movie image recording mode, in which the movie image data is recorded on a memory card. When a shutter release button is pressed in a case where the movie image recording mode is set, the CCD enters a still image recording mode, in which still image data of a relatively high image quality is outputted. Until still image data corresponding to a predetermined number of continuously imaged frames are obtained, the continuous imaging is repeated. When the still image data corresponding to the predetermined number of continuously imaged frames are obtained, the CCD enters a movie image readout mode. Tanaka et al (JP 2003125344) teaches provide a picture recording/reproducing method and device capable of recording still images with high pixels during the recording of moving images, and easily making those moving images and still images correspond to each other, and conveniently dealing with the recorded picture data . Neither Saito et al nor Tanaka et al teaches "picking up the still image is given while picking up the moving images, and

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wherein if moving images are picked up by driving the imaging element in the all-pixels read-out mode, a series of second image data that is obtained by reading out signal charges repeatedly from all of the pixels and that constitutes the moving images is processed and recorded after the number of pixels of the second image data is thinned, and a portion of the second image data is processed and recorded as a still image without thinning when an instruction to pick up the still image is given while picking up the moving images". The Examiner finds no reason or motivation to combine the above references in an obviousness rejection thus placing the application in condition for allowance.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nancy Bitar whose telephone number is 571-270-1041. The examiner can normally be reached on Mon-Fri (7:30a.m. to 5:00pm).

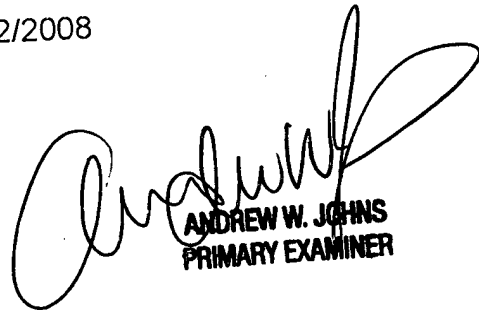
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 571-272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nancy Bitar

1/2/2008


ANDREW W. JOHNS
PRIMARY EXAMINER